

Rev 2/06

PATENT



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Andrius Kazlauskas et al.  
Application No. : 10/589,687  
Filed : August 17, 2006  
Confirmation No. : 9909  
For : DIAGNOSIS OR TREATMENT OF ENDOTHELIAL CELL  
DYSFUNCTION RELATED DISEASES  
Examiner : Unassigned  
Attorney's Docket : ERI-147XX

TC Art Unit: 1647

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Sept. 28, 2006

By: Holliday C. Heine

Holliday C. Heine, Ph.D.

Registration No. 34,346

Attorney for Applicant(s)

\*\*\*\*\*  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

- [ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

Application No.: 10/589,687

Filed: August 17, 2006

TC Art Unit: 1647

Confirmation No.: 9909

- [X] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
[ ] a statement under 37 CFR § 1.97(e); or  
[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

Application No.: 10/589,687  
Filed: August 17, 2006  
TC Art Unit: 1647  
Confirmation No.: 9909

1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

Application No.: 10/589,687  
Filed: August 17, 2006  
TC Art Unit: 1647  
Confirmation No.: 9909

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

ANDRIUS KAZLAUSKAS ET AL.

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Page 1 of 1

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  SUPPLEMENTAL INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO.  ERI-147XX		APPLICATION NO.  10/589,687	
				APPLICANT: Andrius Kazlauskas et al.			
				FILING DATE August 17, 2006		TC ART UNIT 1647	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	US						
	US						
	US						
	US						
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>							
/CMW/	Lei et al., "Heat Shock Protein 90 Alpha-Dependent Translocation of Annexin II to the Surface of Endothelial Cells Modulates Plasmin Activity in the Diabetic Rat Aorta", <i>Circulation Research</i> , Vol. 94, pp.902-909, (2004).						
↓	Hennig et al., "High-Energy Diets, Fatty Acids and Endothelial Cell Function: Implication for Atherosclerosis", <i>Journal of American College of Nutrition</i> , Vol. 20, No. 2, pp. 97-105, (2001).						
↓	Lentz, S. R., "Does Homocysteine Promote Artherosclerosis", <i>Artheroscler. Thromb. Vasc. Biol.</i> , Vol. 21, pp. 1385-1386, (2001).						
↓	Guerci et al., "Endothelial Dysfunction and Type 2 Diabetes", <i>Diabetes Metab.</i> , Vol. 27, pp. 425-434, (2001).						
/CMW/	Romeo et al., "Profilin Acts Downstream of LDL to Mediate Diabetic Endothelial Cell Dysfunction", <i>FASEB Journal</i> , Feb (2004).						
EXAMINER /Cherie M. Woodward/				DATE CONSIDERED 08/11/2008			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							